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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LE, UYEN T

ART UNIT PAPER NUMBER

2163

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/989,070

Applicant(s)

RUSCH ET AL.

Examiner

Uyen T. Le

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 21-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 21-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 22 Dec 04

- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's arguments regarding claims 1-7, 21-31 have been fully considered but they are not persuasive.
2. Applicant seems to argue that the profile specific to each application in Bordaz is not unique. In response, applicant admits in the specification at paragraph 0055 that it is not necessary for the invention that only one profile is assigned to each application system. Therefore, the claimed unique profile in light of the specification reads on the particular profile associated to each application in Bordaz.
3. Applicant seems to argue that the profile in Bordaz is a record of the various types of memory that the application uses and is different from the claimed profile. In response, claims are entitled to their broadest reasonable interpretation consistent with the specification. Thus the claimed profiles are broad enough to read on the profile of records of the various types of memory in Bordaz.
4. Applicant presents no further arguments. For all the reasons discussed above, rejection to claims 1-7, 21-31 is maintained using Bordaz.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 21-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 21-28 merely recite an abstract idea of communication with a database system and assignment method. Note that the claimed steps could be implemented in the mind of a person. It is suggested that applicant amend claims 21, 27 to clarify that the methods are computerized.

Claims 29, 30 broadly interpreted consist of software per se. It is suggested that applicant amend claims 29, 30 to clarify that the computer program product is implemented on computer-readable medium.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 23-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 23, "the at least two predefined unique profiles of the database" lack antecedent basis. Note that parent claim 21 merely recites "using at least two predefined unique profiles" without associating those profiles with any database.

7. Art rejection is applied to claims 23-26 as best understood in light of the rejection under 35 U.S.C. 112, second paragraph discussed above.

Claim Objections

8. Claim 27 is objected to because of the confusing language of the preamble. It is suggested that applicant amend the preamble to clarify it is an automated method.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 5, 21, 23-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Bordaz et al (US 6,272,612) of record.

Regarding claim 1, Bordaz discloses a computer system including all the claimed subject matter (see the abstract, Figures 7-10, column 3, line 50- column 5, line 61).

Note the disjunctive memory portions of Figure 7. The claimed “the database system stores...first and second application systems respectively” is met when Bordaz shows that memory allocation is carried out as a function of the profile specific to each application (see column 3, line 55-62). The claimed “the first application...through the corresponding profiles” are met by the fact that memory access is a function of parameters specific to each application (see column 3, line 63- column 4, line 3).

Regarding claim 5, Bordaz discloses that the database system uses shared memory processors (see column 4, lines 4-22).

Claim 21 correspond to a method for the system of claim 1, thus is rejected for the same reasons stated in claim 1 above.

Claims 29, 31 correspond to software programs for performing the method of claim 1, thus are rejected for the same reasons stated in claim 1 above.

Regarding claim 23, Bordaz discloses assigning one of at least two predefined unique profiles to each memory portion (see Figures 6a, 6b, column 7, line 60- column 9, line 47).

Regarding claim 24, Bordaz discloses assigning each unique profile to one of the application systems (see column 7, lines 64-66).

Regarding claim 25, Bordaz discloses each application system accesses the database system through at least one of the predefined profiles assigned to the application system (see column 3, line 50- column 4, line 3).

Regarding claim 26, Bordaz discloses accessing is selected from the group as claimed (see column 11, lines 12-32).

Claims 27, 28 correspond to a broader version of claim 1, thus are rejected for the same reasons stated in claim 1 above.

Claim 30 corresponds to a broader version of claim 31, thus is rejected for the same reasons stated in claim 31 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

Art Unit: 2163

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 2, 4, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bordaz et al (US 6,272,612) of record.

Regarding claims 2, 22, although Bordaz does not specifically show that the memory portions store tables of the database system, official notice is taken that it is notoriously well known in the art for memory to store tables of the database system for easy retrieval. Therefore, it would have been obvious to one of ordinary skill in the art to include storing tables in memory portions in order to facilitate querying using a standard query language.

Regarding claim 4, although Bordaz does not specifically show that the database system is a relational database system, official notice is taken that it is notoriously well known in the art to store data in a relational database system for easy retrieval. Therefore, it would have been obvious to one of ordinary skill in the art to include a relational database system while implementing the system of Bordaz in order to facilitate querying using a standard query language.

12. Claims 3, 6, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bordaz et al (US 6,272,612) of record, in view of Fuji et al (US 5,898,883) of record.

Regarding claim 3, although Bordaz does not explicitly show that the database system is a parallel server system, it is well known in the art as shown by Fuji to use a parallel server system of database in order to share memory (see Figure 9, column 10, lines 48-67). Therefore, it would have been obvious to one of ordinary skill in the art to include the claimed feature while implementing the system of Bordaz in order to share memory as taught by Fuji.

Regarding claims 6, 7, although Bordaz does not explicitly show that the database system uses an operating system that creates multiple logical groups of processors, each assigned to one application system, Fuji shows that it is well known in the art to use multiple logical groups of processors in order to share memory (see column 10, lines 36-67). Therefore, it would have been obvious to one of ordinary skill in the art to include creating multiple logical groups of processors and assigning each group to one application system while implementing the system of Bordaz in order to allow different applications to share memory.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen T. Le whose telephone number is 571-272-4021. The examiner can normally be reached on M-F 7:00-5:30.

Art Unit: 2163

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

14 June 2005



UYEN LE
PRIMARY EXAMINER